

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL CASE NO. 1:01-cr-00052-MR-WCM-7**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**VENTURA GARCIA,**

**Defendant.**

## ORDER

**THIS MATTER** is before the Court upon the Defendant's "Motion for Compassionate Release or Reduction of Sentence under First Step Act Section S 1014 Act and FSA § 401(c), 132 Stat. at 5221" [Doc. 586].

In November 2001, the Defendant Ventura Garcia was found guilty following a jury trial of conspiracy to possess with intent to distribute cocaine and methamphetamine. [Doc. 193: Jury Verdict]. He was sentenced to a term of 360 months. [Doc. 316: Judgment]. The Court subsequently reduced his term of imprisonment to 324 months pursuant to Amendment 782 of the Sentencing Guidelines. [Doc. 552]. The Defendant is currently

incarcerated at FCI Allenwood Medium with a projected release date of December 29, 2024.<sup>1</sup>

In December 2021, the Defendant filed the present motion, ostensibly seeking a reduction of his sentence either pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) (allowing courts to grant compassionate release) or pursuant to The First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194, 5239 (Dec. 21, 2018). [Doc. 586].

Section 3582(c)(1)(A), as amended by The First Step Act of 2018, permits a defendant to seek a modification of his sentence for “extraordinary and compelling reasons” if the defendant has “fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier.” 18 U.S.C. § 3582(c)(1)(A). Here, the Defendant’s one-page “motion” does not set forth *any* reasons, much less extraordinary and compelling reasons, for a reduction in his sentence. Accordingly, the Defendant’s request for compassionate release is denied without prejudice.

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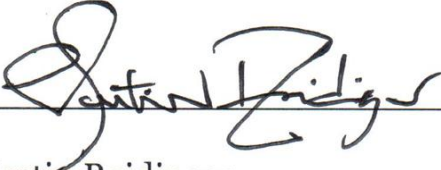
<sup>1</sup> See <https://bop.gov/inmateloc/> (last accessed Jan. 26, 2022).

As for the Defendant's request for relief under The First Step Act, other than citing generally to the Act itself, the Defendant offers no cogent argument as to why he is entitled to any relief. Accordingly, the Defendant's request for relief under The First Step Act of 2018 is also denied without prejudice.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's "Motion for Compassionate Release or Reduction of Sentence under First Step Act Section S 1014 Act and FSA § 401(c), 132 Stat. at 5221" [Doc. 586] is **DENIED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

Signed: February 2, 2022

  
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Martin Reidinger  
Chief United States District Judge

